



CF03252 USA

44

REISSUE DECLARATION AND POWER OF ATTORNEY

2/6/00

We, Susumu Sugiura, residing at 11-6, Miyanosato
4-chome, Atsugi-shi, Kanagawa-ken, Japan, ^{SPV} and ⁴⁰²⁰⁰ Osamu Hoshino,
residing at Shanporu 309, 56, Ohtani, Ebina-shi, Kanagawa-
ken, ^{SPV} Japan, and being subjects of Japan, declare that:

1. We believe that we are the original, first and joint inventors of the subject matter which is claimed in United States Letters Patent No. 4,819,063 and in application for reissue Serial No. 07/680,074, the specification of which reissue application was filed on April 3, 1991 and assigned Serial No. 07/680,074, for which subject matter we seek a reissue patent.

2. We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims.

3. We acknowledge the duty to disclose information which is material to the examination of this reissue application in accordance with Title 37, Code of Federal Regulation, § 1.56(a).

4. We hereby claim foreign priority benefits under Title 35, United States Code, § 119 of the applications for patent listed below:

<u>Country</u>	<u>Application No.</u>	<u>Filed (Day/Mo./Yr.)</u>
Japan	58-44994	17 March 1983
Japan	59-38331	29 February 1984

5. We hereby state that there are no foreign applications for patent or inventor's certificates filed before the above-listed applications on which priority benefits under Title 35, United States Code, § 119, are claimed.

6. We verily believe that our United States Patent No. 4,819,063 is partly inoperative by our having claimed both less and more than we had a right to claim. Claims 1-87 are presented herein, of which Claims 1-70 are identical to Claims 1-70 of our United States Patent No. 4,819,063, all the claims therein. However, Claims 71-87 are broader in some respects than the claims of our United States Patent No. 4,819,063, and hence our patent claims contain excess, but also recite features which do not appear in any of the claims of our United States patent No. 4,819,063, and hence our patent claims are insufficient.

7. Specifically, independent Claim 1 of our United States Patent No. 4,819,063 recites an image data output means which outputs image data in units of a first predetermined number of lines and code data output means which outputs a group of code data representative of a second predetermined number of lines of a font pattern, where the second predetermined number of lines is equal to the first predetermined number of lines. Independent Claims 9, 21, 37, 45, 52 and 58 correspondingly recite, in apparatus or method format, the outputting or processing of image data in units of a first predetermined number of lines and the outputting or addition of code data or information representing a second predetermined number of lines of the font pattern, the second predetermined number of lines being equal to the first predetermined number of lines. Thus, the claims of our United States Patent No. 4,819,063 contain excess.

8. At the same time, none of the claims of our United States Patent No. 4,819,063 recite means for developing and combining color image information and character code data separated by separating means, in common color image memory means, as recited in new independent Claims 71 and 80, or separating means for separating received data into image data and into code data representing a font pattern such as a character or a symbol, image data process means for processing the image data separated by the separating means, code data process means for processing the

code data separated by the separating means, and output means comprising combination means for combining processed coded data and processed image data on a color memory, as recited in new independent Claim 87, and so the claims of our United States Patent No. 4,819,063 are insufficient. Thus, through error, there was a failure to present claims of adequate scope properly to cover our invention and, particularly, a failure to present claims of the scope of Claims 71-87 of the present reissue application.

9. The above-described errors that render our United States Patent No. 4,819,063 partly inoperative arose because at no time during the preparation or prosecution of the application which matured into our United States Patent No. 4,819,063 did we or, on information and belief, the patent representatives of our assignee, Canon Kabushiki Kaisha (hereinafter "Canon"), appreciate the full scope of our invention and that claims of the scope of Claims 71-87 of the present reissue application were available to us.

10. More specifically, during the development process leading to the present invention and the preparation of Japanese Patent Application 58-44994, from which our United States Patent No. 4,819,063 claims priority, we were designing a type of data processing system in which image data was output and processed in units of predetermined numbers of lines and in which character code data was similarly output

and processed in groups representing predetermined numbers of lines. For this reason, our claims in the application which matured into our United States No. 4,819,063 were phrased in terms of the first and second predetermined number of lines. In fact, this limitation was not required by our invention, but merely reflected the available apparatus at that time.

11. However, the application which matured into our United States Patent No. 4,819,063 was prepared by making a supplemental amendment to the disclosure of our priority Japanese Patent Application 58-44994. On information and belief, at the time the application which matured into our U.S. Patent No. 4,819,063 was prepared, a correspondingly amended Japanese Patent Application 59-38331 (1984) was filed, and it was when the patent personnel at Canon came to file a (request for examination in Japanese Patent Application 59-38331 that they became aware of the unduly narrow scope of the claims of our United States Patent No. 4,819,063 and determined that, in fact, certain of the limitations recited in the claims in our United States Patent No. 4,819,063 were unnecessary, and that we were entitled to claims of broader scope directed to the subject matter of new Claims 71-87.

When

12. Moreover, on information and belief, at the time the application which matured into our United States Patent No. 4,819,063 was prepared, the patent personnel erroneously believed it was unnecessary to claim priority

from Japanese Patent Application 59-38331. This error was also discovered at the time of filing the above-mentioned request for examination in Japanese Patent Application 59-38331.

13. The errors which made our United States Patent No. 4,819,063 partly inoperative arose without any deceptive intention on our part or, on information and belief, on the part of others.

14. We hereby appoint Joseph M. Fitzpatrick (Registration No. ³⁰¹17,398), Lawrence F. Scinto (Registration No. 18,973), William J. Brunet (Registration No. 20,452), Robert L. Baechtold (Registration No. 20,860), John A. O'Brien (Registration No. 24,367), Nels T. Lippert (Registration No. 25,888), John A. Krause (Registration No. 24,613), Henry J. Renk (Registration No. ³⁰²25,499), Peter Saxon (Registration No. 24,947), Anthony M. Zupcic (Registration No. 27,276), Charles P. Baker (Registration No. 26,702), Stevan J. Bosses (Registration No. 22,291), Edward E. Vassallo (Registration No. 29,117), Ronald A. Clayton (Registration No. ³⁰³26,718), Lawrence A. Stahl (Registration No. 30,110), Laura A. Bauer (Registration No. 29,767), Leonard P. Diana (Registration No. 29,296), David M. Quinlan (Registration No. 26,641), Nicholas N. Kallas (Registration No. 31,530), William M. Wannisky (Registration No. ³⁰⁴28,373), Lawrence Alaburda (Registration No. 31,583), Lawrence S.

Perry (Registration No. 31,865), Robert H. Fischer
(Registration No. 30,051), Christopher Philip Wrist
(Registration No. 32,078), Gary M. Jacobs (Registration No.
28,861), Michael K. O'Neill (Registration No. ³⁰⁵32,622), Bruce
C. Haas (Registration No. 32,734), Scott K. Reed
(Registration No. 32,433), Scott D. Malpede (Registration No.
32,533), John A. Mitchell (Registration No. 19,032), Fredrick
M. Zullo (Registration No. 32,452), Richard P. Bauer
(Registration No. ³¹⁶31,588), Eric B. Janofsky (Registration No.
30,759), Warren E. Olsen (Registration No. 27,290),
Abigail F. Cousins (Registration No. 29,292), Alan W. Fiedler
(Registration No. 33,690), Jennifer A. Tegfeldt (Registration
No. 31,310), Steven E. Warner (Registration No. ³⁰⁷33,326),
Thomas J. O'Connell (Registration No. 33,202), Aaron C.
Deditch (Registration No. 33,865), Penina Wollman
(Registration No. 30,816), David L. Schaeffer (Registration
No. 32,716), Jack S. Cubert (Registration No. 24,245), Mark
A. Williamson (Registration No. ³⁰⁸33,628), John T. Whelan
(Registration No. 32,448), Patricia M. Drost (Registration
No. 29,790), Jean K. Dudek (Registration No. 30,938), Raymond
R. Mandra (Registration No. 34,382) and Dominick A. Conde
(Registration No. 33,856), our attorneys to prosecute this
application and to transact all business in the Patent and
Trademark Office connected therewith.

15. We hereby declare that all statements made
herein of our own knowledge are true and that all statements

made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the present reissue application or any patent issued thereon.

25 Sept '91
Date

Susumu Sugiura
Susumu Sugiura

25 Sept, '91
Date

Osamu Hoshino
Osamu Hoshino

F502\A54504\ER